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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
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10 ANGEL MALAVE, an individual,

11 Plaintiff,

12 vs.

13 DEBT RESOLUTION CENTER, f/k/a
14 FREEDOM DEBT CENTER, a California
15 corporation, NATIONWIDE SUPPORT
16 SERVICES, INC., a California
17 corporation, and DOES 1 to 10,

18 Defendants.
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Case No. CV11-7371 R (JEMx)
Hon. Manuel L. Real

**ORDER GRANTING MOTION
TO DISMISS FIRST AMENDED
COMPLAINT FOR FAILURE TO
STATE A CLAIM FOR RELIEF**

[Fed.R.Civ.Proc. 12(b)(6)]

Date: November 28, 2011
Time: 10:00 a.m.
Cttrm: 8, Spring Street, 2nd Floor

1 On November 28, 2011, at 10:00 a.m., in Courtroom 8 of the above-entitled
2 court, the motion of Defendants Debt Resolution Center, f/k/a Freedom Debt Center,
3 and Nationwide Support Services, Inc. (collectively, Defendants) to dismiss the First
4 Amended Complaint for failure to state a claim for relief pursuant to Federal Rule of
5 Civil Procedure 12(b)(6) came on regularly for hearing. Based upon all papers filed
6 in support of and in opposition to said motion, and the arguments of counsel, and for
7 the reasons stated on the record, IT IS HEREBY ORDERED that the motion is
8 GRANTED as follows:

9 1. The First Claim for Relief for Fraud is hereby dismissed without
10 prejudice. Plaintiff shall have ten (10) days leave to amend.

11 2. The Second Claim for Relief for Violation of the Consumer Legal
12 Remedies Act is hereby dismissed with prejudice.

13 3. The Fourth Claim for Relief for Negligent Infliction of Emotional
14 Distress is hereby dismissed with prejudice.

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16 DATED: November 30, 2011



MANUEL L. REAL
U.S. DISTRICT COURT JUDGE